

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA, :
: Plaintiff, :
: :
v. : Civil Action No. 1:10-cv-00569-
: RJA
MARK ELLIOT ZUCKERBERG and :
FACEBOOK, INC., :
: Defendants. :
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DECLARATION OF NATHAN A. SHAMAN

I, Nathan A. Shaman, Esq. submit this Declaration in support of Plaintiff's Motion to Set Delayed Briefing Schedule and hereby declare:

1. I am an attorney licensed to practice law in the State of California. I am an associate attorney with Jeffrey A. Lake, A.P.C., counsel of record for Plaintiff Paul D. Ceglia in the above-captioned matter. I make this declaration based upon personal knowledge.
2. On August 29, 2011 I sent an email to Bryan Rose, Esq. of Stroz Friedberg LLC, Defendants' expert, attaching consent forms for the acquisition and inspection of emails from Paul Ceglia's email accounts, as required by the Court's August 18, 2011 Order (Doc. No. 117). A true and correct copy of that email is attached hereto as Exhibit A.
3. My email to Mr. Rose on August 29, 2011 was carbon copied only to my supervising attorney Jeffrey A. Lake, Esq. and our client Paul Ceglia. (*See* Exhibit A.) Obviously, neither of these individuals would have disclosed Mr. Ceglia's consent forms to Defendants. As such, Stroz Friedberg must have sent the consent forms to Defendants on or after August 29, 2011.

4. On September 2, 2011 at 6:47 a.m. EST, 3:47 a.m. local time, I received an email from Alexander H. Southwell, Esq., counsel of record for Defendants, informing me that he had attached the consent forms to Defendants' Motion to Compel. A true and correct copy of that email is attached hereto as Exhibit B.

5. At 10:12 a.m. EST, 7:12 a.m. local time, I emailed Paul Ceglia and informed him that he needed to change his email passwords immediately. A true and correct copy of that email is attached hereto as Exhibit C.

6. At approximately 10:15 a.m. EST, 7:15 a.m. local time, I called the Clerk of Court. The clerk to whom I spoke informed me that Defendants' attorney Terry Flynn, Esq. had called to have Mr. Southwell's declaration and attached exhibits removed at approximately 7:40 a.m. EST.

I hereby certify and declare under penalty of perjury that the foregoing is true and accurate.

DATED: September 2, 2011

s/ Nathan Shaman
Nathan A. Shaman